

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gary K. Michelson )  
Serial No.: (Divisional of 09/572,518) ) (Group Art Unit: 3738)  
Filed: October 30, 2003 ) (Examiner: D. Isabella)  
For: ORTHOPEDIC IMPLANT SURFACE )  
CONFIGURATION WITH A )  
PROJECTION HAVING A BACK CUT )

MS PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Copies of the listed documents were previously submitted in a prior application Serial No. 09/572,518, filed May 17, 2000; and/or application Serial No. 09/457,228, filed December 8, 1999, upon which applicant relies for the benefits provided in 35 U.S.C. § 120.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicant brings to the Examiner's attention the following U.S. co-pending application of Applicant; the claims and drawings of which are attached hereto:

| NOT FOR PUBLICATION |                    |             |                           |
|---------------------|--------------------|-------------|---------------------------|
| Examiner Initial    | Application Number | Filing Date | Publication/Patent Number |
|                     | 09/921,844         | 03AUG2001   | N/A                       |

Applicant respectfully requests that the Examiner consider the document listed above, indicate that it was considered by making appropriate notation in the appropriate column, and return a copy of this sheet to the Applicant.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

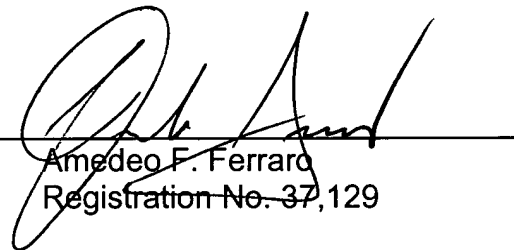
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: October 30, 2003

By: \_\_\_\_\_

  
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| <b>Substitute for FORM PTO-1449</b>   |                 |         | <b>Attorney Docket Number</b><br>101.0094-01000 |       | <b>Customer No.</b><br>22882                      |                                  |
|---|-----------------|---------|---|-------|---|----------------------------------|
| <b>INFORMATION DISCLOSURE CITATION<br/>IN AN APPLICATION</b>  |                 |         | <b>Applicant</b><br>Gary K. Michelson           |       | <b>Application Number</b><br>(Div. of 09/572,518) |                                  |
| (Use several sheets if necessary)<br><b>Sheet <u>1</u> of <u>1</u></b>  |                 |         | <b>Filing Date</b><br>October 30, 2003          |       | <b>Group Art Unit</b><br>(3738)                   | <b>Examiner</b><br>(D. Isabella) |
| <b>U.S. PATENT DOCUMENTS</b>  |                 |         |   |       |   |                                  |
| EXAMINER<br>INITIAL   | DOCUMENT NUMBER | DATE    | NAME  | CLASS | SUBCLASS  | FILING DATE IF<br>APPROPRIATE    |
|   | 4,349,921       | 09/1982 | Kuntz   |       |   |                                  |
|   | 4,531,244       | 07/1985 | Hamas   |       |   |                                  |
|   | 4,673,409       | 06/1987 | Van Kampen                                      |       |   |                                  |
|   | 4,795,742       | 01/1989 | Crowinshield et al.                             |       |   |                                  |
|   | 4,834,757       | 05/1989 | Brantigan                                       |       |   |                                  |
|   | 4,865,603       | 09/1989 | Noiles  |       |   |                                  |
|   | 4,944,763       | 07/1990 | Willert et al.                                  |       |   |                                  |
|   | 4,955,907       | 09/1990 | Ledergerber                                     |       |   |                                  |
|   | 5,258,031       | 11/1993 | Salib et al.                                    |       |   |                                  |
|   | 5,522,899       | 06/1996 | Michelson                                       |       |   |                                  |
|   | 5,553,476       | 09/1996 | Oehy et al.                                     |       |   |                                  |
|   | 5,593,409       | 01/1997 | Michelson                                       |       |   |                                  |
|   | 5,609,635       | 03/1997 | Michelson                                       |       |   |                                  |
|   | 5,683,464       | 11/1997 | Wagner et al.                                   |       |   |                                  |
|   | 5,716,412       | 02/1998 | DeCarlo, Jr. et al.                             |       |   |                                  |
|   | 5,755,799       | 05/1998 | Oehy et al.                                     |       |   |                                  |
|   | 5,860,973       | 01/1999 | Michelson                                       |       |   |                                  |
|   | 5,899,941       | 05/1999 | Nishijima et al.                                |       |   |                                  |
|   | 6,087,555       | 7/2000  | Dunstan et al.                                  |       |   |                                  |
|   | 6,174,334       | 01/2001 | Suddaby   |       |   |                                  |
|   | 6,190,414       | 02/2001 | Young et al.                                    |       |   |                                  |
|   | 6,258,125       | 07/2001 | Paul et al.                                     |       |   |                                  |
|   | 6,482,233       | 11/2002 | Aebi et al.                                     |       |   |                                  |
| <b>FOREIGN PATENT DOCUMENTS</b>   |                 |         |   |       |   |                                  |
|   | DOCUMENT NUMBER | DATE    | COUNTRY   | CLASS | SUBCLASS  | TRANSLATION<br>(YES/NO)          |
|   | WO 98/58604     | 12/1998 | WIPO  |       |   | N/A                              |
| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>   |                 |         |   |       |   |                                  |
|   |                 |         |   |       |   |                                  |
| <b>EXAMINER</b>   |                 |         | <b>DATE CONSIDERED</b>                          |       |   |                                  |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. |                 |         |   |       |   |                                  |